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## STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-04

Legistar #: 20140087

Board of Zoning Appeals Hearing: Monday, February 24, 2014 – 6:00 p.m.

Property Owner: Cedelia Gregorsky  
6351 Cedelia Road  
Bokeelia, FL 33922

Applicant: Gary W. Callicott  
Callicott Custom Homes, LLC  
9825 Trace Valley  
Atlanta, GA 30350

Address: 820 Polk Street

Land Lot: 11530 District: 16 Parcel: 0250

Council Ward: 4A Existing Zoning: R-1 (Single Family Residential/Agriculture  
1 unit/acre)

**Special Exception / Special Use / Variance(s) Requested:**

1. Variance to reduce the minimum lot width from 150' to 100.' [§708.01 (H)]

### Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

### **Criteria:**

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**



**820 Polk Street**



820 Polk Street

**Recommended Action:**

**Approval.** The applicant, Gary N. Callicott, is requesting a variance to reduce the minimum lot width in order to develop the property at 820 Polk Street. The subject property is vacant, zoned R-1 [Single Family Residential/Agriculture (1 unit/acre)], and contains approximately 3.15 acres. The property immediately to the east is also zoned R-1, to the north R-4, and to the west is zoned R-2. Across Polk Street to the south are single family detached homes zoned R-1 and R-4.

The applicant wishes to subdivide the property into three lots that are uniform in size and shape. However, a reduction in the lot width to 100' is necessary in order to make three rectangular lots. The applicant is able to meet the regulation without a variance but it would create three abnormally shaped lots, resulting in an irregular setback for the future homes along Polk Street.

While the city cannot require donation of right of way for variances, the Public Works Department has requested the donation of right of way to 30 feet from the center of the existing Polk Street right of way. A minimum 5' sidewalk with 2' grass strip will also be required along Polk Street.

In this case, adherence to the code would result in a lot configuration that would be less advantageous to not only the property owner, but the surrounding neighborhood and city as a whole. As a result, ***staff recommends approval of this variance request.***